

Bill No. 36-05
Concerning: Transportation
Management Districts – Fees
Revised: 1/31/06 Draft No. 4
Introduced: November 1, 2005
Expires: May 1, 2007
Enacted: January 31, 2006
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

- (1) authorize the County Council to set by resolution ~~[[the amount of]]~~ a transportation management fee to cover the cost of certain services provided by a transportation management district;
- (2) clarify that the revenue generated by a transportation management fee must be used in the district in which the development or property subject to the fee is located;
- (3) repeal a prohibition against charging a transportation management fee that exceeds a certain rate;
- ~~[[3]]~~ (4) make technical, ~~[[and]]~~ stylistic, and clarifying changes; and
- ~~[[4]]~~ (5) generally amend the law governing transportation management districts.

By amending

Montgomery County Code
Chapter 42A, Ridesharing and Transportation Management
Sections 42A-23 and 42A-29

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 42A-23 and 42A-29 are amended as follows:

42A-23. Districts; authority of the Department and Planning Board.

(a) The County Council by resolution may create a transportation management [districts] district in [any]:

(1) a Metro station policy area, which may include adjacent areas served by the same transportation network[,]; or [in any]

(2) an area where transportation review applies under the Growth Policy.

* * *

42A-29. Transportation Management Fee.

(a) Authority.

(1) The [Executive] Council may by [regulation adopted under method (2)] resolution adopted under Section 2-57A set the [[amount of a]] transportation management fee that the Department [may] must annually charge, under the Alternative Review Procedures in the Growth Policy, an applicant for subdivision or optional method development approval in a district and each successor in interest [[of that applicant]].

(2) If the resolution creating a district [[so provides, the Department [may] must also charge the transportation management fee to]] authorizes the Department to charge a transportation management fee to any of the following persons, the Council may, by resolution adopted under Section 2-57A, set the fee that the Department must charge:

(A) [[other applicants]] an applicant for subdivision or optional method development in the district who is not subject to a transportation management fee under the Alternative

28 Review Procedures in the Growth Policy and each
 29 successor in interest; and

30 (B) ~~[[owners]]~~ an owner of existing commercial and multi-unit
 31 residential ~~[[properties]]~~ property in the district.

32 ~~(b)~~ Use of revenue. The revenue generated by a transportation management
 33 fee must be used in the district in which the development or property
 34 subject to the fee is located to cover the cost of:

35 (1) administering the district, including review and monitoring of
 36 traffic mitigation plans under Section 42A-24 and traffic
 37 mitigation agreements under Section 42A-25; and

38 (2) any program implemented under Section 42A-23(b), including
 39 any vehicle or other equipment necessary to carry out the
 40 program.

41 ~~[[b)]]~~(c) Rate. The rate of ~~[[the]]~~ a transportation management fee must be set
 42 to produce not more than an amount of revenue substantially equal to
 43 the:

44 (1) ~~[[the]]~~ portion of the cost of administering the district, including
 45 the review and monitoring of traffic mitigation plans under
 46 Section 42A-24 and traffic mitigation agreements under Section
 47 42A-25, reasonably attributable to the transportation effects of
 48 the development or property subject to the fee; and

49 (2) ~~[[the]]~~ portion of the cost of any program implemented under
 50 Section 42A-23(b), including any vehicle or other equipment
 51 necessary to carry out ~~[[any such]]~~ the program, reasonably
 52 attributable to the transportation effects of the development or
 53 property subject to the fee.

54 ~~[[c)]]~~ (d) Method. A transportation management fee may be assessed on:

- 55 (1) the gross floor area, the maximum or actual number of
- 56 employees, or the average number of customers, visitors, or
- 57 patients, in a nonresidential building;
- 58 (2) the number of dwelling units, or the gross floor area, in a
- 59 residential building;
- 60 (3) the number of parking spaces associated with a building; or
- 61 (4) any other measurement reasonably related to transportation use
- 62 by occupants of, employees located in, or visitors to a particular
- 63 development or property.

64 ~~[(d)]~~ (e) Variation. The transportation management fee and the basis on
 65 which it is assessed may vary from one district to another and one
 66 building category or land use category to another.

67 [(e) If the transportation management fee is assessed on a gross floor area
 68 basis (as defined in Section 8-38(e)), the rate must not exceed 10 cents
 69 per square foot subject to the Fee. If the fee is assessed on any other
 70 basis, the total collected each year from any district must not
 71 significantly exceed the total amount that would have been collected
 72 from that district if the rate were 10 cents per square foot.]

73 *Approved:*

74

George L. Leventhal, President, County Council Date

75 *Approved:*

76

Douglas M. Duncan, County Executive Date

77 *This is a correct copy of Council action.*

78

Linda M. Lauer, Clerk of the Council

Date